

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

DATE:

MAY 07 1991

SUBJECT:

L.E. Carpenter Site
Draft FS - April 1, 1991

FROM:


William P. Lawler, P.E., Chief
Environmental Analysis Section (2PM-EI)

TO:

Kimberly O'Connell, Acting Chief
Northern New Jersey Section II (2ERRD-NJ II)

We have reviewed the draft feasibility study (FS) for the subject site for compliance with other environmental laws (ARARs) and offer the following comments.

1. Our review of the draft FS reveals that the site is contiguous with the Rockaway River, Washington Forge Pond, and a drainage ditch. Wetlands may be associated with any or all of these surface water features. Accordingly, in compliance with Executive Order 11990 - "Protection of Wetlands" and the EPA "Statement of Policy on Floodplains and Wetlands Assessments for CERCLA Actions," the final FS should include a wetlands assessment that evaluates how the remedial action alternatives may potentially impact area wetlands, and how adverse impacts can be minimized and/or mitigated. At a minimum the wetlands assessment should include the elements listed below.
 - a. On-site or affected wetlands should be delineated using the method described in the Federal Manual for Delineating Jurisdictional Wetlands.
 - b. Analysis of the wetland functions at and in the vicinity of the site.
 - c. A description of the proposed action and the alternatives considered, and their effects on the wetland values and functions.
 - d. An analysis of appropriate measures to minimize and/or mitigate potential adverse effects upon wetlands.
2. The site lies within the 100-year floodplain. Accordingly, in compliance with Executive Order 11988 - "Floodplain Management" and the EPA "Statement of Policy on Floodplains and Wetlands Assessments for CERCLA Actions" - August 5, 1985, a floodplains assessment must be completed for the site. The floodplains assessment may be prepared in conjunction with the wetlands assessment. At a minimum, the floodplain assessment must include the following elements.

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- a. Delineation of the floodplain of concern. Please note that because CERCLA/SARA projects are considered "critical actions," the floodplain of concern is the 500-year floodplain. Both the 100-year floodplain and the 500-year floodplain should be delineated.
 - b. A description of the proposed action and the alternatives considered and their effects on the floodplain.
 - c. Measures to minimize and/or mitigate potential adverse impacts to the floodplain must also be examined and discussed.
 - d. Appropriate measures to protect treatment units/equipment from the effects of flooding must be evaluated. For example, in so far as possible, any treatment units/equipment storage areas should be located outside of the 500-year floodplain.
3. There is a possibility of encountering federal endangered/threatened species in the vicinity of the site. Therefore, the Endangered Species Act is a potential ARAR. Informal consultation with the U.S. Fish and Wildlife Service is needed to comply with the Act. We will initiate this consultation for you and keep you informed of all recommendations we receive.
 4. None of the documents submitted provide information regarding compliance with the National Historic Preservation Act or identify it as an ARAR. However, given the potential for prehistoric activity at the site due to its location on the Rockaway River, and the documented presence of early historic use, a Stage IA cultural resources survey (CRS) should be performed as outlined in the EPA Region II CERCLA/SARA Environmental Review Manual. The purpose of the Stage IA survey is to evaluate the sensitivity of the project area for the presence of cultural resources. It should be initiated as soon as possible so that if additional surveys are necessary, they can be completed without affecting the project schedule for remedial design and implementation. EIB can provide assistance in developing the scope of work for a Stage IA CRS. At a minimum, the Stage IA CRS should include the elements listed below.
 - a. Evaluation of the nature and extent of the proposed project area and description of the environmental setting as it pertains to actual or potential cultural resource locations.

- b. Comprehensive documentary research designed to identify any known or potential historical, architectural, and/or archaeological resources within the project area. This should include a synthesis of prehistoric and historic cultural development and land use patterns, a definition of sensitivity zones with explicit criteria for ranking, as well as information about identified sites within or in close proximity to the project area that are eligible, listed, or being considered for inclusion in the National Registry of Historic Places.
 - c. Walk-over reconnaissance and surface inspection.
 - d. Assessment of the effect of prior ground disturbance on the probability of identifying cultural resources. Areas where substantial land modification is evident should be clearly identified. Materials (e.g., maps, photos, soil boring logs) which support conclusions presented in the text should be provided.
 - e. Recommendations for any subsequent Stage IB survey.
5. Irrigation wells are mentioned at the site; however, no information is provided on whether significant agricultural lands exist and whether they may be impacted. Accordingly, the Farmland Protection Policy Act is a potential ARAR. The final feasibility study should address possible impacts of the contaminants and the potential remedial actions on agricultural resources. If the remedial action will result in the conversion of environmentally significant agricultural lands to non-agricultural uses, consultation with the Soil Conservation Service (SCS) will need to be initiated concerning the extent to which these impacts can be minimized. SCS can also be of assistance in determining the presence of agriculturally significant lands. If necessary, EIB can provide assistance in coordinating with the SCS.
6. This site does not fall within, and does not impact upon, the Coastal Zone designated by New Jersey, nor is it located near a designated Coastal Barrier. Also, this site does not affect a Wild and Scenic River. Therefore, the Coastal Zone Management Act, the Coastal Barrier Resource Act, and the Wild and Scenic Rivers Act are not ARARs for this site.

Based on the items discussed above, Tables 2-6 and 6-6 should be modified to include these additional ARARs. In addition, although the excavation alternative was retained for further consideration, inexplicably, no ARARs are evaluated for this option in Section 6. This possible oversight should be corrected.

Thank you for this opportunity to comment. If you have any questions please contact Susan Osofsky at ext. 6716

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